

INTERFERENCE DIGEST

Interference No. 105,308

Paper No.

Name: Qingyun Liu et al.

Serial No.: 09/601,582

Patent No.

Title: Novel gabab receptor DNA sequences

Filed: 12/04/00

Interference with Barnes et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard Torczon
Telephone: 571-272-9797
Facsimile: 571-273-0042

Applicants: LIU
Application No.: 09/601,582
Filed: 12/04/00
For: Novel gabab receptor DNA sequences

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,308.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

RICHARD TORCZON
Administrative Patent Judge

Mail Stop INTERFERENCES
P.O. Box 1450
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Paper 1

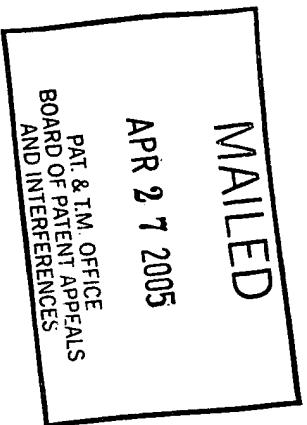
UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,308
(From Technology Center 1600)

SMITHKLINE BEECHAM CORPORATION
(6,518,399),
Junior Party,

v.

QINGYUN LIU,
TIMOTHY P. BONNERT, GORDON NG,
BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM,
JANET CLARK, AND TOM I. BONNER
(09/601,582),
Senior Party.



DECLARATION - Bd.R. 203(b)

By TORCZON, Administrative Patent Judge.¹

A. Declaration of interference

An interference is declared (35 U.S.C. 135(a)) between the captioned parties.

Details of the application, patent, count, and claims designated as corresponding to the count appear under headings E and F of this DECLARATION.

B. Administrative patent judge designated to administer the contested case

Administrative Patent Judge Richard Torczon has been designated to administer this contested case. 37 CFR § 41.104(a) [Bd.R. 104(a)].

¹ As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

C. Standing order

A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this contested case.

D. Conference call to set dates

A telephone conference call to set dates for action in this contested case is scheduled for 3:30 p.m. (Eastern) on 24 June 2005. (The Board will initiate the call.)

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd.R. 120; Bd.R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

The Board is conducting a pilot program in electronic filing of papers (Bd.R. 106(d)(2)). The procedure is explained in University of New Mexico v. Fordham Univ., No. 104,761, Paper 21 (2001).² Counsel should be prepared to discuss participation in the pilot program.

² <http://www.uspto.gov/web/offices/dcom/bpai/its/104761-021.pdf>.

E. The parties to this interference

Junior Party

Patent: 6,518,399, issued 11 February 2003
(09/390,134, filed 3 September 1999)

Title: Receptor

§102(g) benefit: 60/103,670, filed 9 October 1998 and
GB 9819420, filed 7 September 1998

Senior Party

Application: 09/601,582, filed 4 December 2000

Title: Novel GABA_B receptor DNA sequences

§102(g) benefit: PCT/US99/02361, filed 3 February 1999 and
60/073,767, 5 February 1998

F. Count and claims of the parties

Count 1

The protein of 6,518,399 claim 1.

The claims of the parties are:

SKB: 1-3

Liu: 1-5, 7 & 18-20

The claims corresponding to Count 1:

SKB: 1-3

Liu: 1, 4, 5 & 7

The claims not corresponding to Count 1:

SKB: None

Liu: 2, 3 & 18-20

G. Heading to be used on papers; exhibit numbers

Addendum 1 provides the heading that shall be used on all papers filed in the contested case. See SO ¶ 7.2.1.

The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 20.2.1):

Liu et al.: 1001-1999.

Smithkline Beecham Corp.: 2001-2999.

H. Order form for requesting file copies

When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

I. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States

Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

cc (via overnight delivery):

For Smithkline Beecham Corp.:
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Michael M. Conger
GLAXOSMITHKLINE
GLOBAL INTELLECTUAL PROPERTY
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Interference No. 105,308
Smithkline Beecham Corp. v. Liu et al.

Paper 1
Page 6

ADDENDUM 1

Filed on behalf of: [Name of Party] Paper No. [Leave blank]
By: [Name of lead counsel]
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:]

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**
(Administrative Patent Judge Torczon)

SMITHKLINE BEECHAM CORPORATION
(6,518,399),
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QINGYUN LIU,
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BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM,
JANET CLARK, AND TOM I. BONNER
(09/601,582),
Senior Party.

Patent Interference No. 105,308

TITLE OF PAPER

ADDENDUM 2

FILE COPY REQUEST
Patent Interference No. 105,308

Attach a copy of section E of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address,³ including street, city, state, ZIP code, and telephone number:

3. Telephone, including area code: _____

³ Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.